

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

GeoVera SPECIALTY INSURANCE
COMPANY

Plaintiff

VS.

GRAHAM ROGERS, ET AL.

Defendants

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NO: 4:08CV00163 SWW

ORDER of DISMISSAL

Plaintiff GeoVera Specialty Insurance Company (“GeoVera”) commenced this action pursuant to the Court’s diversity jurisdiction against Graham Rogers, East Central Arkansas Insurance, Inc. (“ECA”), and Jerry Reeves (“Reeves”). The complaint asserts breach of contract; breach of fiduciary duty; negligent hiring, supervision, and training; and ordinary negligence claims against Graham Rogers and breach of fiduciary duty and constructive fraud claims against Reeves and ECA.

Along with its answer, Graham Rogers filed cross-claims against Reeves and ECA, seeking indemnity and contribution. Additionally, Graham Rogers filed a third-party complaint against GeoVera Specialty Insurance Services, Inc.¹

¹Graham Rogers also filed a third party complaint against Gary and Sherry Balentine, which the Court dismissed for failure to state a claim upon which relief can be granted. *See* docket entry #53.

By order entered July 7, 2008, the Court granted in part Graham Rogers' motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) and dismissed without prejudice GeoVera's claims against Graham Rogers for breach of fiduciary duty, negligent hiring, negligent supervision, and negligent training.

By order entered August 7, 2009, the Court entered summary judgment in favor of Graham Rogers as to GeoVera's breach of contract and negligence claims and dismissed those claims with prejudice. Dismissal of GeoVera's claims against Graham Rogers rendered Graham Rogers' cross claims against Reeves and ECA and its third-party claims against GeoVera Specialty Insurance Services, Inc. moot, and those claims will now be dismissed without prejudice.

The Court has been advised by counsel that the remaining claims in this case, specifically Plaintiff's claims against Separate Defendants East Central Arkansas Insurance, Inc. and Jerry Reeves have been settled. Accordingly, those claims will now be dismissed with prejudice pursuant to the parties settlement agreement, with each settling party responsible for its own costs.

IT IS THEREFORE ORDERED that Cross Claimant Graham Rogers, Inc.'s cross claim against Cross Defendants Jerry Reeves and East Central Arkansas Insurance, Inc. are DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that Third Party Plaintiff Graham Rogers, Inc.'s third party complaint against Third Party Defendant GeoVera Specialty Insurance Services, Inc. is DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that Plaintiff GeoVera Specialty Insurance Company's claims against Defendants East Central Arkansas Insurance, Inc. and Jerry Reeves are

DISMISSED WITH PREJUDICE pursuant to settlement.

IT IS FURTHER ORDERED that, pursuant to the judgment entered together with this order, this case is DISMISSED IN ITS ENTIRETY.

IT IS SO ORDERED THIS 2ND DAY OF APRIL, 2010.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE